

SARNA & ASSOCIATES, PC
328 North Broadway, 2nd Floor
Upper Nyack, New York 10960
(845) 348-9822
James A. Sarna
Counsel to 45220, Inc., Defendant

Arent Fox LLP
1675 Broadway
New York NY 10019-5820
212-484-3979
Robert M. Hirsh
Counsel to Plaintiffs

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: : CHAPTER 11 CASE
BH S&B HOLDINGS LLC, *ET AL.*, : No.: 08-14604 (MG)
DEBTORS : Jointly Administered

OFFICIAL COMMITTEE OF UNSECURED :
CREDITORS, ON BEHALF OF DEBTORS, :
PLAINTIFFS : ADV. PRO. NO.
V. : 09-01352 (MG)
45220, INC., :
DEFENDANT :

**STIPULATION REGARDING
DEPOSITION OF 45220, INC.'S PRINCIPAL**

The Official Committee of Unsecured Creditors, on behalf of Debtors (the “Committee”), the plaintiff, and 45220, Inc. (“45220”), the defendant, in the above-captioned Adversary Proceeding, by and through their respective counsel, submit this Stipulation and Order Regarding Case Management and Scheduling of Discovery and respectfully state as follows:

WHEREAS, on or about July 8, 2009 the Committee commenced the above-captioned Adversary Proceeding against 45220; and

WHEREAS, 45220 interposed its Answer to the Complaint on or about August 10, 2009; and,

WHEREAS, on November 6, 2009, the Committee served 45220's counsel with a Notice

of Deposition seeking to take the deposition upon oral examination of 45220 by its principal officer (the "Deponent") on December 10, 2009; and,

WHEREAS, the Deponent was out not available on December 10, 2009; and,

WHEREAS, the Committee and 45220 wish to agree on a mutually convenient date when the Committee may take Deponent's deposition.

NOW THEREFORE, the Committee and 45220 have agreed as follows:

1. 45220 will make the Deponent available for an oral examination at the offices of the Committee's counsel, or at some other place that is mutually convenient, in or about the second week of February, 2010.

2. By agreeing to make the Deponent available for a deposition, 45220 does not waive any rights, privileges, claims and/or defenses of any kind, including the right to make a motion to limit the scope of the Deposition or raise objections at the deposition or to seek a further adjournment of the Deposition by Order of the Bankruptcy Court for cause and on notice to the Committee by its counsel. All such rights, privileges, claims and/or defenses are explicitly reserved.

Dated: Upper Nyack, New York
January 7, 2010

45220, Inc.,
By its counsel:
Sarna & Associates, PC
By:

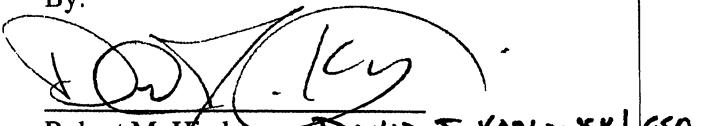


SARNA & ASSOCIATES, PC
328 NORTH BROADWAY, 2nd FLOOR
UPPER NYACK, NEW YORK 10560
845.348.9822
845.818.9626 - FACSIMILE

James A. Sarna
A Member of the Firm
328 North Broadway, 2nd Floor
Upper Nyack, New York 10560
(845) 348-9822

Dated: New York, New York
January 7, 2010

Official Committee of Unsecured
Creditors, on behalf of Debtors
By its Counsel
Arent Fox LLP
By:



Robert M. Hersh ~~DAVID J. KOZLOWSKI, ESQ.~~
A Member of the Firm
1675 Broadway
New York NY 10019-5820
(212) 484-3979